



Legislation Details (With Text)

File #: 1983-2018 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 7/3/2018 **In control:** Public Service & Transportation Committee

On agenda: 7/30/2018 **Final action:** 8/3/2018

Title: To authorize the Director of the Department of Public Service to execute those documents required to transfer a 1,365 square foot portion of the unnamed north/south right-of-way, west of Cleveland Avenue and an 880 square foot portion of the unnamed east/west right-of-way south of Reynolds Avenue, totaling 2,245 square feet, to EJB, Inc.; and for the City to receive \$2,245.00 from EJB, Inc. for this transaction, and to declare an emergency. (\$0.00)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit

Date	Ver.	Action By	Action	Result
8/3/2018	2	ACTING CITY CLERK	Attest	
8/2/2018	2	MAYOR	Signed	
7/30/2018	2	COUNCIL PRESIDENT	Signed	
7/30/2018	1	Columbus City Council	Amended to Emergency	Pass
7/30/2018	1	Columbus City Council	Approved as Amended	Pass
7/23/2018	1	Columbus City Council	Read for the First Time	

1. BACKGROUND:

The City of Columbus, Department of Public Service, received a request from EJB, Inc., asking that the City transfer a 1,365 square foot portion of the unnamed north/south right-of-way, west of Cleveland Avenue, and an 880 square foot portion of the unnamed east/west right-of-way south of Reynolds Avenue, totaling 2,245 square feet, which is adjacent to property owned by EJB located at 819 Cleveland Avenue. Transfer of these rights-of-way will facilitate the re-development of property currently owned by EJB adjacent to the above noted rights-of-way, located at 819 Cleveland Avenue. Property will be re-developed with a 192 unit apartment building. The Department of Public Service has agreed to transfer these rights-of-way as described in the attached exhibit, and extinguish the underlying fee. Per current practice, comments were solicited from interested parties, including City agencies, private utilities and the applicable area commission, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within these rights-of-way, the City will not be adversely affected by the transfer of these rights-of-way. The Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way. A value of \$2,245.00 was established for this right-of-way. This request went before the Land Review Commission on June 21, 2018. After review of the request, the Land Review Commission voted to recommend the above referenced rights-of-way be transferred to EJB for the amount of \$2,245.00.

2. FISCAL IMPACT:

There is no cost to the City for this transaction. The City will receive a total of \$2,245.00 that will be deposited in Fund 7748, Project P537650, as consideration for the transfer of the requested rights-of-way.

Emergency Justification: Emergency amendment of the ordinance will allow the sale of the alley right of way to be completed prior to 30 days from July 30 which will help with meeting the goal of having site work under

construction this fall.

To authorize the Director of the Department of Public Service to execute those documents required to transfer a 1,365 square foot portion of the unnamed north/south right-of-way, west of Cleveland Avenue and an 880 square foot portion of the unnamed east/west right-of-way south of Reynolds Avenue, totaling 2,245 square feet, to EJB, Inc.; and for the City to receive \$2,245.00 from EJB, Inc. for this transaction, **and to declare an emergency.** (\$0.00)

WHEREAS, the City of Columbus, Department of Public Service, received a request from EJB, Inc., asking that the City transfer a 1,365 square foot portion of the unnamed north/south right-of-way, west of Cleveland Avenue, and an 880 square foot portion of the unnamed east/west right-of-way south of Reynolds Avenue, totaling 2,245 square feet, adjacent to property owned by EJB, Inc. to them; and

WHEREAS, acquisition of these rights-of-way will facilitate the re-development of property currently owned by EJB, Inc., adjacent to the above noted rights-of-way; and

WHEREAS, the City of Columbus, Department of Public Service, Division of Infrastructure Management, by this transfer, extinguishes its need for these public rights-of-way; and

WHEREAS, per current practice, comments were solicited from interested parties, including City agencies, private utilities and applicable area commissions, before it was determined that, subject to the retention of a general utility easement for those utilities currently located within this right-of-way, the City will not be adversely affected by the transfer of these rights-of-way to EJB, Inc.; and

WHEREAS, the Department of Public Service submitted a request to the Department of Law, Real Estate Division, asking that they establish a value for these rights-of-way; and

WHEREAS, a value of \$2,245.00 was established for these rights-of-way; and

WHEREAS, this request went before the Land Review Commission on June 21, 2018; and

WHEREAS, after review of the request, the Land Review Commission voted to recommend that the above referenced rights-of-way be transferred to EJB, Inc., for the amount of \$2,245.00 be deposited in Fund 7748, Project P537650;

WHEREAS, an emergency exists in the usual operations to allow the sale of the right of way to be completed prior to site work construction this fall, now therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That the Director of the Department of Public Service be and is hereby authorized to execute quit claim deeds and other incidental instruments prepared by the Department of Law, Real Estate Division, necessary to transfer the following described rights-of-way to EJB, Inc.; to-wit:

RIGHT-OF-WAY DESCRIPTION
0.052 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, and being in Half Section 5, Township 5, Range 22, Refugee Lands, being part of the 15 foot alley west of Cleveland Avenue(60'), as delineated on Terrace View Addition, as recorded in Plat Book 4, Page 250, and a portion of the southerly 8 feet of Lot 3 of said Terrace View Addition as conveyed to the City of Columbus, as recorded in Official Record Volume 1504 Page I14, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a mag nail found at the northeasterly corner of Lot 5 of said Terrace View Addition, as conveyed

to E.J.B., INC. in Official Record Volume 1331 Page D17, same being the intersection of the westerly line of said Cleveland Avenue, and the southerly line of Reynolds Avenue (50'), formerly known as Elizabeth Street, as delineated on said Terrace View Addition;

Thence along the westerly line of said Cleveland Avenue, and the easterly lines of said Lot 5, and Lot 4 of said Terrace View Addition as conveyed to E.J.B., INC. in Official Record Volume 1331 Page D17, and the northerly remainder of Lot 3 of said Terrace View Addition as conveyed to E.J.B., INC. in Deed Book 3186 Page 569, South 03° 48' 05" West, 60.40 feet to a 5/8" rebar capped "Cottrill 6858", being the northeasterly corner of said southerly 8 feet of Lot 3;

Thence continuing along the northerly line of the said southerly 8 feet of Lot 3, and the southerly line of said northerly remainder of Lot 3, North 86° 24' 57" West, 10.00 feet to an iron pin set, said pin also being the TRUE POINT OF BEGINNING for the parcel herein described;

Thence across said southerly 8 feet of Lot 3, South 03° 48' 05" West, 8.00 feet to an iron pin set on the southerly line of said Lot 3, and being on the northerly line of Lot 2 of said Terrace View Addition as conveyed to E.J.B., INC. in Instrument No. 201006240079199;

Thence along the northerly line of said Lot 2, and the southerly line of said Lot 3, North 86° 24' 57" West, 110.00 feet to a point, being referenced by a 5/8" rebar capped "Cottrill 6858" at 0.20 feet south, said point being the northwesterly corner of said Lot 2, and the southwest corner of said southerly 8 feet of Lot 3, and being on the easterly line of said 15 foot alley;

Thence along the westerly line of said Lot 2, and the easterly line of said 15 foot alley, South 03° 48' 05" West, 22.75 feet to a 5/8" rebar found, capped "Cottrill 6858", being the northeasterly corner of the vacated portion of the 15 foot alley, as vacated by City of Columbus Ordinance No. 209-82, being the southeasterly corner of said 15 foot alley, being the northwesterly corner of Lot 1 of said Terrace View Addition as conveyed to E.J.B., INC. in Deed Book 3439 Page 352, being the southwest corner of said Lot 2;

Thence along the southerly line of said 15 foot alley, and the northerly line of said vacated 15 foot alley, North 86° 23' 28" West, 15.00 feet to an iron pin set, being the northwesterly corner of the vacated portion of said 15 foot alley, being the southwest corner of said 15 foot alley, being on the easterly line of Lot 30 of said Terrace View Addition as conveyed to E.J.B., INC. in Deed Book 3439 Page 352;

Thence along the easterly line of said Lot 30, and the westerly line of said 15 foot alley, North 03° 48' 05" East, 90.97 feet to an iron pin set, being the northeasterly corner of said Lot 30, and the northwesterly corner of said 15 foot alley, being on the southerly line of said Reynolds Avenue;

Thence along the northerly line of said 15 foot alley, and the southerly line of said Reynolds Avenue, South 86° 29' 22" East, 15.00 feet to a point, being referenced by a 5/8" rebar capped "Cottrill 6858" at 5.01 feet south, said point being the northwesterly corner of said Lot 5;

Thence along the westerly line of said Lot 5, said Lot 4, and said northerly remainder of Lot 3, and the easterly line of said 15 foot alley, South 03° 48' 05" West, 60.25 feet to a point, being referenced by a 5/8" rebar capped "Cottrill 6858" at 0.17 feet south, being the northwesterly corner of said southerly 8 feet of Lot 3;

Thence along the northerly line of said southerly 8 feet of Lot 3, and the southerly line of said northerly remainder of Lot 3, South 86° 24' 57" East, 110.00 feet to an iron pin set, said pin being the POINT OF TRUE BEGINNING, containing 0.052 acres (2245 S.F.), more or less.

Subject however to all legal easements, restrictions and rights of way of record and of records in the respective utility offices.

Iron pins set are 5/8" rebar, 30" in length with a yellow plastic cap with "EP FERRIS SURVEYOR 8342" inscribed on top. All monuments found are in good condition unless otherwise noted.

The portion of the centerline of right-of-way of Cleveland Avenue, having a bearing of South 03° 48' 05" West, as shown hereon, is designated the "basis of bearing" for this survey.

This description was prepared by Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342 and is based on field surveys conducted by E. P. Ferris & Associates, Inc. on November 21, 2017 and March 6, 2018 under the direct supervision of Matthew Lee Sloat, Ohio Registered Professional Surveyor 8342.

SECTION 2. That the above referenced real property shall be considered excess road right-of-way and the public rights therein shall terminate upon the Director's execution and delivery of said quit claim deed to the grantee thereof.

SECTION 3. That a general utility easement in, on, over, across and through the above described right-of-way shall be and hereby is retained unto the City of Columbus for those utilities located within said right-of-way.

SECTION 4. That upon notification and verification of the relocation of all utilities located within the retained general utility easement area the Director of the Department of Public Service is hereby authorized to execute those documents necessary to release the retained general utility easement with no additional compensation due to the City and with no further legislative action required by the City.

SECTION 5. That the City will receive \$2,245.00 from EJB, Inc., for this transaction and these funds shall be deposited in Fund 7748, Project P537650.

SECTION 6. ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~ **That for reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**